

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION**

QUONTERIOUS TOLES, )  
                        )  
                        )  
Plaintiff,            )  
                        )  
                        )  
v.                     )                   CV424-035  
                        )  
                        )  
LT. NEWSOME, and     )  
CO II Moody,        )  
                        )  
Defendants.           )

**ORDER**

*Pro se* plaintiff Quonterious Toles, a prisoner at Valdosta State Prison, has filed this 42 U.S.C. § 1983 case alleging that he was subject to unconstitutional conditions there. *See id.* at 3, 7-8. He has moved to proceed *in forma pauperis*. Doc. 2. Since it is clear that this Court is not the proper venue for his claims, this case will be transferred. The issue of his filing fee will be resolved by the transferee court. *Cf., White v. Lemma*, 947 F.3d 1373, 1378-79 (11th Cir. 2020) (failure to pay the required filing fee is not a jurisdictional defect).

Valdosta State Prison lies in Lowndes County, in the Middle District of Georgia. *See* 28 U.S.C. § 90(b)(6). As Toles' allegations concern events that occurred exclusively in another district, the proper

forum for this case is the United States District Court for the Middle District of Georgia. 28 U.S.C. §1391(b) (venue); 28 U.S.C. § 1406 (district courts may dismiss or transfer cases suffering venue defects); *see also*, e.g., *Collins v. Hagel*, 2015 WL 5691076, at \*1 (N.D. Ga. Sept. 28, 2015) (“A district court may raise the issue of defective venue *sua sponte*.”).

Accordingly, the Clerk is **DIRECTED** to transfer this case to the Middle District of Georgia for all further proceedings.

**SO ORDERED**, this 28th day of February, 2024.

  
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CHRISTOPHER L. RAY  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF GEORGIA